

REMARKS

The present application was filed on July 11, 2003 with claims 1-21. Claims 1-21 were previously canceled without prejudice and replaced by new claims 22-41. Claims 25, 30, 31, 37 and 41 have since been canceled and claims 42-45 have been added. Claims 22-24, 26-29, 32-36, 38-40 and 42-45 are pending. Claims 22, 29, 34 and 38 are the pending independent claims.

Claims 29, 32, 33 and 43 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,821,936 (hereinafter "Shaffer") in view of Devec et al., "Design and Evaluation of an Evaluation of an Adaptive Icon Toolbar," User Modeling and User-Adapted Interaction, Vol. 6, No. 1, pp. 1-21, March 1996 (hereinafter "Devec").

Claims 22-24, 26-28, 34-36, 42 and 44-45 are rejected 35 U.S.C. §103(a) as unpatentable over Shaffer and Devec in view of U.S. Patent Application Publication No. 2002/0151992 (hereinafter "Hoffberg").

Independent claim 29 specifies an arrangement wherein the step of replacing the current menu structure with the new menu structure is executed only if the number of menu items in the new menu structure that have no corresponding match in the current menu structure exceeds a threshold greater than or equal to two menu items.

The Examiner concedes that Shaffer fails to teach these limitations but rather relies on the last two paragraphs of page 4 of Devec, which the Examiner characterizes as "clearly indicat[ing] that the user may choose to disregard the predefined threshold and only consider toolbar changes at their convenience, thus indicating that the threshold may be user defined (e.g. the threshold may be set [sic] two or more by the user)." The cited portion of Devec states:

Once the bar background indicates that a proposal for change is available, the user can review the proposal at any time by double-clicking on the bar background. This action calls up a single dialog box (Figure 2) that allows the user to confirm or reject the proposed change. If the user rejects a proposed change, the system maintains the data that led to the suggestion, but then uses this data to generate different proposals that have not yet been rejected. This mechanism helps prevent the system from insisting on one particular suggestion over and over again. . . .

If the user continues working for a long time without reviewing any proposals for change, the system continues to dynamically calculate the priority of each command. If at some later time, the user clicks on the bar background to review a proposal, the system presents a single proposal based on the user's most recent activity.

It is important to note that Devec only presents, and only implements, one proposal at a time, regardless of the number of previous proposals which have been rejected and/or ignored by the user: “at some later time, the user clicks on the bar background to review a proposal, the system presents a single proposal based on the user’s most recent activity.” See also Devec at page 5, second paragraph: “When the user accepts the proposed adaptation, the bar background returns to its normal color. If the user clicks on the bar background in this state, the system displays a dialog box stating that no suggestions are currently available.”

Moreover, each of these proposals involves the addition, removal, or replacement of a single icon, thus meaning that the new menu structure will always have at most one item which has no corresponding match in the current menu structure. See FIGS. 1 and 2 of Devec. See also Devec at page 5, first paragraph:

If a particular function is used frequently, the system indicates that a suggestion is available and proposes adding an icon for that function. Similarly, if a function on the bar is not used for a long period of time, the system will suggest removing it from the bar. If the both [sic] conditions occur together - a function not on the bar is used frequently, and a function on the bar is not used for a long time - the system can make a single suggestion to replace the unused icon with an icon for the frequently used function.

Thus, Devec discloses arrangements where the number of menu items in the new menu structure that have no corresponding match in the current menu structure will never exceed a threshold greater than or equal to two menu items, and hence clearly fails to meet the limitations of claim 29 wherein the step of replacing the current menu structure with the new menu structure is executed only if the number of menu items in the new menu structure that have no corresponding match in the current menu structure will never exceed a threshold greater than or equal to two menu items.

In view of the above, Applicant respectfully submits that Devec fails to remedy the admitted deficiency of Shaffer so as to reach the limitations of claim 29.

With regard to independent claims 22, 34 and 38, the Examiner asserts that Hoffberg “cures the deficiencies of Schaffer [sic] and Devec with respect to the limitation” of claim 22 directed to concurrently displaying the entire new menu structure prior to the completion of the replacement of the current menu structure with the new menu structure. See the present Office Action at page 2, last paragraph; see also the Advisory Action dated January 22, 2009, in which

the Examiner discusses “displaying of the new menu structure to the user in piecemeal fashion, as taught by Debbec.”

More particularly, the Examiner argues that “Hoffberg discloses that the menu structure which is displayed for approval is the concurrent display of the entire menu structure (See Hoffberg, Figure 17, wherein the complete altered menu structure is displayed to the user for approval.)” See the present Office Action at page 16, first paragraph.

Applicant respectfully disagrees with the Examiner’s characterization of the relied-upon portion of Hoffberg. FIG. 17 of Hoffberg is described at paragraphs 1144 and 1145 thereof:

[A] number of likely choices, based on intelligently determined alternatives, as well as adaptation based on determined user preferences, are initially presented to the user, along with a menu selection to allow rejection of these predicted choices. In this case, the user selects the “reject” selection, and the system presents the user with a next predicted desired menu choice. Since the user history, in this case, does not provide for another choice of particularly high probability, the user is prompted to explicitly choose the program sequence by day, time, channel, and duration. The user then enters the starting time for recording according to the methods described above. The interface then searches its databases regarding the user and broadcast listings to present a most likely choice given that parameter, as well as all available alternatives. In this case, the user history is of little help, and is not useful for making a prediction. In other cases, the system uses its intelligence to “fill in the blanks”, which could, of course, be rejected by the user if these are inaccurate or inappropriate. The most likely choices are then those programs that begin at the selected time. If the user had input the channel or network, instead of starting time, then the presented choices would be the broadcast schedule of the channel, e.g. channel 5 or Fox, for the selected day.

The user then selects one of the available choices, which completes the programming sequence. If no database of broadcasts is available, then the user explicitly defines all parameters of the broadcast. When the programming is completed, the interface then updates its user database, prompts the user to set the VCR to record, by, e.g., inserting a blank or recordable tape.

In other words, FIG. 17 of Hoffberg is directed toward techniques in which a user is presented with a number of available choices of programs to record, and which facilitate user selection of a program which is not displayed on that menu. There is no concept of a new menu structure which replaces a current menu structure, much less of concurrently displaying an entire

new menu structure prior to the completion of the replacement of the current menu structure with the new menu structure or of obtaining user approval of the new menu structure as displayed.

In view of the above, Applicant respectfully submits that Hoffberg fails to remedy the admitted deficiency of Shaffer and Devec as so to reach the limitations of claims 22, 34 and 38.

Dependent claims 23, 24, 26-28, 32, 33, 35, 36, 39 and 40 are believed patentable at least by virtue of their dependency from their respective independent claims, which are believed patentable for the reasons identified above.

As heretofore noted, the Examiner argues in rejecting independent claim 29 that the last two paragraphs of page 4 of Devec “clearly indicates that the user may choose to disregard the predefined threshold and only consider toolbar changes at their convenience, thus indicating that the threshold may be user defined (e.g. the threshold may be set [sic] two or more by the user).” Applicant respectfully submits that, even assuming that the combination of Shaffer and Devec did in fact teach or suggest such an arrangement, the proposed combination would nonetheless fail to meet the limitations of claims 42-45 wherein a displaying step is executed only if the calculated difference exceeds a threshold, the threshold being a number of menu items greater than or equal to two.

In view of the foregoing, Applicant believes that the present application is in condition for allowance, and respectfully requests withdrawal of the aforementioned rejections.

Respectfully submitted,

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